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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,123	08/25/2004	Michael T. Campbell	71365-0135	5122
20915	7590	09/22/2005		
MCGARRY BAIR PC 171 MONROE AVENUE, N.W. SUITE 600 GRAND RAPIDS, MI 49503			EXAMINER MORROW, JASON S	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/711,123	Applicant(s) CAMPBELL, MICHAEL T.	
	Examiner Jason S. Morrow	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-16,18 and 20-28 is/are rejected.
- 7) ☒ Claim(s) 3,5,17 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/20, 8/25</u> . | 6) <input type="checkbox"/> Other: ____.  |




## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it uses the legal phraseology "comprises" in claim 1. Correction is required. See MPEP § 608.01(b).
3. The incorporation of essential material in the specification by reference to an unpublished U.S. application, foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference, if the material is relied upon to overcome any objection, rejection, or other requirement imposed by the Office. The amendment must be accompanied by a statement executed by the applicant, or a practitioner

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representing the applicant, stating that the material being inserted is the material previously incorporated by reference and that the amendment contains no new matter. 37 CFR 1.57(f).

*Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 10 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 10 and 24, in line 2, the phrase “low density” is indefinite. The scope of what is claimed by the phrase is unascertainable.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 4, 6, 7, 9, 12-16, 18, 20, 21, 23, and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Bodo.

Re claim 1, Bodo discloses a motor vehicle comprising a firewall (3) extending between an engine compartment and a passenger compartment, having at least one opening (16) therethrough for passage of a vehicle component, a sound attenuating dashmat mounted to the

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passenger compartment side of the firewall and having an opening in registry with the at least one opening in the firewall, and a vehicle component passing through the openings in the firewall and the dashmat, the improvement comprising a component bridge (1, 2) surrounding the openings in the firewall and the dashmat and extending upwardly from an upper surface of the dashmat toward the passenger compartment in cooperative register with at least a portion of a perimeter of the vehicle component and with the dashmat, the component bridge having sound absorbing 17) and sound barrier (the portion to which 17 is attached( components to attenuate sound that passes through the openings in the firewall and the dashmat and above the upper surface of the dashmat.

Re claim 2, the component bridge is removably attached to the dashmat for selectively installing the component bridge in register with the vehicle component to interrupt the transmission of sound from the engine compartment into the passenger compartment of the motor vehicle, and selectively removing the component bridge from the dashmat when no component is present necessitating the installation of the component bridge (see figure 6).

Re claim 4, the removable attachment is selected from the group consisting of a tab (12), a snap, a rivet, and a stud.

Re claim 6, the component bridge further comprises an upwardly extending side wall (the uppermost tip of 1 in figure 5) and a planar top wall (the long vertical section of 1 in figure 5) of a sound barrier material.

Re claim 7, the sound barrier material comprises a plastic (the cross-hatching of 1 and 2 indicate a plastic).

Re claim 9, the component bridge further comprises a sound absorbing material (17) mounted with the sidewall and the planar top wall.

Re claim 12, the component bridge further comprises a sound absorbing material (17).

Re claim 13, the sound absorbing material is bonded to the barrier layer along an inner surface of one of the side wall and the top wall (see figure 6).

Re claim 14, the component bridge is in register with at least a perimeter of the vehicle component and with the dashmat (see figure 7).

Re claim 15, Bodo discloses a sound attenuating dashmat adapted to be mounted to a passenger compartment side of a vehicle firewall, the dashmat having an opening (16) adapted for registry with an opening in the firewall, the vehicle having a vehicle component (5) passing through the opening in the firewall, the dashmat comprising a component bridge (1,2) surrounding the opening in the dashmat and adapted to extend upwardly from an upper surface of the dashmat toward the passenger compartment in cooperative register with at least a portion of a perimeter of the vehicle component and with the dashmat, the component bridge having sound absorbing and sound barrier components to attenuate sound that passes through the openings in the firewall and the dashmat and above the upper surface of the dashmat when the dashmat is attached to the passenger compartment side of the vehicle firewall.

Re claim 16, the component bridge is removably attached to the dashmat to enable the selective installation of the component bridge in register with the vehicle component to interrupt the transmission of sound from the engine compartment into the passenger compartment of the motor vehicle, and the selective removal of the component bridge from the dashmat when no component is present necessitating the installation of the component bridge (see figure 6).

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Re claim 18, the removable attachment is selected from the group consisting of a tab (12), a snap, a rivet, and a stud.

Re claim 20, the component bridge further comprises an upwardly extending side wall (the uppermost tip of 1 in figure 5) and a planar top wall (the long vertical section of 1 in figure 5) of a sound barrier material.

Re claim 21, the sound barrier material comprises a plastic (as indicated by the section lines of 1 and 2).

Re claim 23, the component bridge further comprises a sound absorbing material (17) mounted with the side wall and the planar top wall.

Re claim 26, the component bridge further comprises a sound absorbing material (plastic).

Re claim 27, the sound absorbing material is bonded to the barrier layer along an inner surface of one of the side wall and the top wall (see figure 6).

Re claim 28, the component bridge is adapted for registry with at least a perimeter of the vehicle component and with the dashmat (see figure 7).

### *Claim Rejections - 35 USC § 103*

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 8, 10, 11, 22, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodo in view of the Plastics Handbook.

Bodo discloses all the limitations of the claims, as applied above, except for the sound barrier material being selected from the group consisting of polypropylene or a thermoplastic olefin, and the sound absorbing material being selected from the group consisting of an expanded flexible polyurethane, a flexible fibrous material, a non-woven fiber mat, and a shoddy cotton.

The Plastics Handbook teaches the use of polypropylene and expanded flexible polyurethane in automotive applications (see pages 49 and 82).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to construct a sound barrier material and a sound absorbing material, such as that disclosed by Bodo, from polypropylene and expanded flexible polyurethane respectively, as taught by the Plastics Handbook, in order to construct the dashmat from well known and easily obtainable materials.

### *Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason S. Morrow whose telephone number is (571) 272-6663. The examiner can normally be reached on Monday-Friday, 8:00a.m.-4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason S. Morrow  
Primary Examiner  
Art Unit 3612

September 16, 2005



**JASON MORROW**  
**PRIMARY PATENT EXAMINER**

9/16/05